



**ASSEMBLY AMENDMENT 2,  
TO 1995 ASSEMBLY BILL 159**

March 7, 1995 – Offered by Representatives HUBLER and KREUSER.

1 At the locations indicated, amend the bill as follows:

2 **1. Page 1, line 3:** after “school” insert: “, disclosure of certain law enforcement  
agency records relating to a child to the child’s school district administrator”.

3 **2. Page 2, line 17:** after that line insert:

4 “**SECTION 3c.** 48.396 (1) of the statutes is amended to read:

5 48.396 (1) Peace officers’ records of children shall be kept separate from records  
6 of persons 18 or older. Peace officers’ records of children shall not be open to  
7 inspection or their contents disclosed except under sub. (1m) (a) or (5) or s. 48.293 or  
8 by order of the court. This subsection does not apply to the representatives of  
9 newspapers or other reporters of news who wish to obtain information for the  
10 purpose of reporting news without revealing the identity of the child involved, to the  
11 confidential exchange of information between the police and officials of the school  
12 attended by the child or other law enforcement or social welfare agencies or to  
13 children 16 or older who are transferred to the criminal courts.

14 **SECTION 3f.** 48.396 (1m) of the statutes is renumbered 48.396 (1m) (a) (intro.)  
15 and amended to read:

1           48.396 (1m) (a) (intro.) If requested by the school district administrator of a  
2 public school district, a law enforcement agency may provide to the school district  
3 administrator any information in its records relating to ~~the~~ any of the following:

4           1. The use, possession or distribution of alcohol or a controlled substance by a  
5 pupil enrolled in the public school district. The information

6           (b) Any information provided under par. (a) 1. may be used by the school district  
7 only as provided under s. 118.127 (2). In this subsection, “controlled substance” has  
8 the meaning given in s. 161.01 (4).

9           **SECTION 3i.** 48.396 (1m) (a) 2. of the statutes is created to read:

10           48.396 (1m) (a) 2. The possession of a firearm in a school zone in violation of  
11 s. 948.605 (2) (a) or the possession of a knife on school premises in violation of s.  
12 948.61 (2) by a pupil enrolled in the school district.

13           **SECTION 3m.** 118.125 (1) (a) of the statutes is amended to read:

14           118.125 (1) (a) “Behavioral records” means those pupil records which include  
15 psychological tests, personality evaluations, records of conversations, any written  
16 statement relating specifically to an individual pupil’s behavior, tests relating  
17 specifically to achievement or measurement of ability, the pupil’s physical health  
18 records other than his or her immunization records or any lead screening records  
19 required under s. 254.162, peace officers’ records obtained under s. 48.396 (1m) (a)  
20 and any other pupil records that are not progress records.

21           **SECTION 3p.** 118.125 (2) (d) of the statutes is amended to read:

22           118.125 (2) (d) Pupil records may be made available to persons employed by the  
23 school district which the pupil attends who are required by the department under s.  
24 115.28 (7) to hold a license and other school district officials who have been  
25 determined by the school board to have legitimate educational or safety interests in

1 the pupil records. Peace officers' records obtained under s. 48.396 (1m) (a) 1. may be  
2 made available under this paragraph only for the purposes of s. 118.127 (2) and only  
3 to those designated personnel involved in alcohol and other drug abuse programs.

4 **SECTION 3r.** 118.125 (2) (e) of the statutes is amended to read:

5 118.125 (2) (e) Upon the written permission of an adult pupil, or the parent or  
6 guardian of a minor pupil, the school shall make available to the person named in  
7 the permission the pupil's progress records or such portions of the pupil's behavioral  
8 records as determined by the person authorizing the release. Peace officers' records  
9 obtained under s. 48.396 (1m) (a) may not be made available under this paragraph  
10 unless specifically identified by the adult pupil or by the parent or guardian of a  
11 minor pupil in the written permission.

12 **SECTION 3t.** 118.125 (3) of the statutes is amended to read:

13 118.125 (3) MAINTENANCE OF RECORDS. Each school board shall adopt rules in  
14 writing specifying the content of pupil records and the time during which pupil  
15 records shall be maintained. No behavioral records may be maintained for more than  
16 one year after the pupil ceases to be enrolled in the school, unless the pupil specifies  
17 in writing that his or her behavioral records may be maintained for a longer period.  
18 A pupil's progress records shall be maintained for at least 5 years after the pupil  
19 ceases to be enrolled in the school. A school board may maintain the records on  
20 microfilm or optical disk if authorized under s. 19.21 (4) (c), or in such other form as  
21 the school board deems appropriate. A school board shall maintain peace officers'  
22 records obtained under s. 48.396 (1m) (a) separately from a pupil's other pupil  
23 records. Rules adopted under this subsection shall be published by the school board  
24 as a class 1 notice under ch. 985.

25 **SECTION 3v.** 118.127 (1) of the statutes is amended to read:

